

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code section 455A.5(6), the Natural Resource Commission hereby gives Notice of Intended Action to amend Chapter 102, “Falconry Regulations for Hunting Game,” Iowa Administrative Code.

The proposed changes have been requested by Department staff and the Iowa Falconers Association (IFA) to update the existing rules and align them with recent changes made to the Code of Federal Regulations by the U.S. Department of the Interior, Fish and Wildlife Service’s Migratory Bird Office.

Any interested person may make written suggestions or comments on the proposed amendments on or before September 7, 2010. Such written materials should be directed to Steve Derman, Department of Natural Resources, Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-6794; or E-mail steve.derman@dnr.iowa.gov. Persons who wish to convey their views orally should contact the Law Enforcement Bureau at (515)281-4515.

Also, there will be a public hearing on August 31, 2010, at 9 a.m. in the Fourth Floor East Conference Room of the Wallace State Office Building, 502 E. 9th Street, Des Moines, Iowa. At the public hearing, persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

Any persons who intend to attend the public hearing and have special needs, such as those related to hearing or mobility impairments, should contact the Department of Natural Resources and advise of specific needs.

These amendments are intended to implement Iowa Code chapter 481A.

The following amendments are proposed.

ITEM 1. Amend rule 571—102.1(481A) as follows:

571—102.1(481A) General. Game may be taken annually, by ~~licensed~~ permitted falconers only, subject to the following:

102.1(1) Definitions. For the purposes of this rule, the following definitions are used:

“Falconer” means any person ~~licensed~~ permitted under the provisions of 571—Chapter 101, Iowa Administrative Code, who pursues the sport of falconry.

“Falconry” means the sport of taking ~~quarry game~~ game by means of a ~~trained~~ raptor.

“Raptor” means ~~a live migratory bird of the family Accipitridae, other than the bald eagle (Haliaeetus leucocephalus), or of the family Falconidae, or the great horned owl (Bubo virginianus) of the family Strigidae~~ any of the following wild species: American kestrel, Cooper’s hawk, Ferruginous hawk, Goshawk, Great horned owl, Gyrfalcon, Harris’ hawk, Merlin, Prairie falcon, Red-tailed hawk, Rough-legged hawk, Sharp-shinned hawk and any captive-bred species used for falconry.

102.1(2) Licenses and permits. In addition to the falconry ~~license~~ permit, a falconer must have all other licenses, stamps, and permits required by law. A falconry observer is not required to be licensed for hunting, but an observer shall not assist in the hunt.

102.1(3) Other requirements. Except for the provisions of rule 571—102.2(481A), any person taking game by falconry must comply with all other statutes and rules governing this activity.

ITEM 2. Amend subrules 102.2(2) and 102.2(4) as follows:

102.2(2) Geese. The season for taking geese by means of falconry may vary among goose hunting zones. Falconry seasons for white-fronted geese and light geese (white and blue-phase snow geese and

Ross' geese) shall begin each year on the first day of the conventional (gun) hunting season for these geese in each zone, as described in rule 571—91.3(481A), and continue in each zone for 107 consecutive days. Falconry seasons for Canada geese and brant shall be open concurrently with the conventional (gun) hunting season for these geese as well as any days between the ~~end of the second segment of the season for Canada geese and brant and the start of the third segment of the season~~ first, second, or third segments of the conventional (gun) hunting season for Canada geese and brant.

102.2(4) *Hawking hours and limits.* Hawking hours for migratory game birds are one-half hour before sunrise to sunset. The daily bag limit ~~may~~ shall include no more than three migratory game birds, singly or in aggregate. The possession limit is twice the daily bag limit. There are no hawking hour restrictions for nonmigratory game during the legal season.

ITEM 3. Amend rule 571—102.4(481A) as follows:

571—102.4(481A) Means and methods of take. ~~No person shall have in possession any firearm or any other implement for the taking of game while hunting game by means of falconry.~~ No falconer or observer may carry a firearm while in the field with a raptor or in the act of falconry.